IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

THURSDAY, THE 19TH JULY 2007 / 28TH ASHADHA 1929

Bail Appl..No. 4373 of 2007()

CRIME NO.127/2007 OF NADAKKAVU POLICE STATION

.....

: PETITIONER/1ST ACCUSED

JOHNSON @ ATHMAJAN, S/O. GOVINDAN,
AGED 42 YEARS, REAL ESTATE AGENT,
RESIDING AT "VOOLENS", RAMATHERU, PALLIKUNNU,
KANNUR DISTRICT.

BY ADV. SRI.P.M.PAREETH

RESPONDENTS: RESPONDENT

STATE OF KERALA, REPRESENTED BY
SHO, NADAKKAVU POLICE STATION, THROUGH
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 19/07/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

B.A.No.4373 of 2007

Dated this the 19th day of July, 2007

ORDER

Application for anticipatory bail. The petitioner is the 1st accused. He along with the co-accused faces allegations under Section 420 read with 34 I.P.C. He apprehends arrest at the hands of the Investigating Officer.

2. The learned Public Prosecutor on instructions submits that the investigator does not want to arrest the petitioner now. Final report has already been filed. It is for the petitioner to appear before the learned Magistrate and seek regular bail now, submits the learned Public Prosecutor.

3. I am satisfied, in these circumstances, that it is not necessary to issue directions under Section 438 Cr.P.C. The petitioner must appear before the learned Magistrate and seek regular bail.

4. In the result, this application for anticipatory bail is dismissed. I may hasten to observe that if the petitioner surrenders before the learned Magistrate and applies for bail after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits and expeditiously-on the date of surrender itself.

(R.BASANT, JUDGE)

rtr/-